



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:	Issuance Date:
Public Notice No. 200400311	August 25, 2004
Stream:	Expiration Date:
UT Loggy Branch	September 24, 2004
Address comments to:	US Army Corps of Engineers, Huntington District 602 Eighth Street ATTN: CELRHE Huntington, West Virginia 25701-2070

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (CWA). This notice also serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Mingo Logan Coal Company.
1000 Mingo Logan Avenue
Wharncliffe, West Virginia 25651

LOCATION: The project site is located north of County Road 65-3 and south of County Road 65-4, approximately 2.5 miles north of Ragland, in southwestern Mingo County, West Virginia. Portions of an unnamed tributary of Loggy Branch, and an unnamed tributary of the Left Fork of Elk Creek flow through the project site. Loggy Branch flows into the Left Fork of Elk Creek, which flows into Pigeon Creek and ultimately Tug Fork, a Section 10 waterway. The location of the project site is depicted on **Figure 1 of 8 titled "Location Map"**.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to discharge dredged and/or fill material into waters of the U. S. in conjunction with the construction, operation, and reclamation of the Loggy Branch Surface. The purpose of the proposed project is to recover bituminous coal from the Stockton and Coalburg coal seams over an anticipated period of approximately 3.5 years. The project site is approximately 268.11 acres in size. As part of this operation, the applicant proposes to construct two permanent valley fills, and two temporary sediment ponds as depicted on **Figure 2 of 8 titled “Proposal and Drainage Map”**.

The project area is entirely forested and consists of narrow rocky ridges with rock outcrops, areas of extremely steep hillsides, and confined bottomland areas. The site consists of secondary growth with sparse large trees including chestnut oak (*Quercus prinus*), tulip poplar (*Liriodendron tulipifera*), pignut hickory (*Carya glabra*), and red maple (*Acer rubrum*) forming the canopy and species including red maple saplings, sassafras (*Sassafras albidum*), sourwood (*Oxydendron arboretum*), black gum (*Nyssa sylvatica*), greenbrier (*Smilax* spp.), and blackberry (*Rubus* sp.) forming the dense understory. Major portions of the project site have been subject to prior disturbance including logging activities, road construction, pipeline construction, core drilling, and coal mining.

Construction of the proposed project would result in the discharge of dredged and/or fill material into approximately 5,341 linear feet (0.49 acre) of streams, all of which are waters of U. S. This total includes temporary adverse impacts to approximately 1,052 linear feet (0.128 acre) of intermittent stream and approximately 256 linear feet (0.022 acre) of ephemeral stream. Permanent adverse impacts to waters of the U. S. associated with the proposed project would include approximately 477 linear feet (0.044 acre) of intermittent stream and approximately 2,385 linear feet (0.218 acre) of ephemeral stream. No adverse impacts to perennial streams are proposed as part of this project. **Figure 3 of 8 titled “Stream Delineation Map”** depicts the location of waters of the U. S. on-site. **Table A** provides a breakdown of proposed adverse impacts relative to duration, stream type, and activity type. All proposed valley fills are located in areas with contributing watersheds which range in size from 45.19 acres to 103.18 acres as detailed in **Table B**. The West Virginia Department of Environmental Protection (WVDEP) has reviewed and approved the Surface Mining Permit application for this project (S-502399) pursuant to the Surface Mining Control and Reclamation Act of 1977.

The applicant’s proposed operation would affect 268.11 acres of surface area, to facilitate the recovery of bituminous coal. Mineral extraction would be accomplished through contour and mountaintop mining techniques. The proposed operation would generate approximately 27.5 million cubic yards of overburden (including the 20% swell factor) of which approximately 13.2 million cubic yards would be placed within mined areas as backfill. The remaining approximately 14,809,345 of excess overburden would be placed in two proposed valley fills. Approximately 89.05 cubic yards of this overburden would be placed in waters of the U. S. Information regarding proposed overburden volumes is provided in **Tables C and D**. Proposed Valley Fill No. 1 depicted on **Figure 4 of 8 titled “Hollow Fill No. 1”**, would involve a total

surface area of 17.28 acres and would be located within an unnamed tributary of Loggy Branch. Proposed Valley Fill No. 2 depicted on **Figure 5 of 8 titled “Hollow Fill No. 2”**, would involve a total surface area of 57.83 acres and would be located in within an unnamed tributary of the Left Fork of Elk Creek. Both streams proposed to be adversely impacted as a result of the proposed project are located within the Elk Creek watershed. Elk Creek is a perennial tributary of Pigeon Creek. Approximately 1.9% (approximately 153 acres) of the Elk Creek watershed has been affected by past and present activities primarily related to road construction and residential development. It has been estimated that the proposed project, in addition to other reasonably foreseeable future activities, would likely affect an additional 3.4% (approximately 268 acres) of this watershed.

Phase I of the proposed project would begin immediately after permit issuance and would involve clearing and subsequent benching on the Coalburg level as an extension to the contouring previously created as part of existing WVDEP Permit No. S-5003-95. The applicant would construct Pond No. 1 as depicted on **Figure 6 of 8 titled “Pond No. 1”**. Upon certification of Pond No. 1 by the WVDEP, the applicant would initiate clearing and grubbing activities within the footprint of Valley Fill No. 1. This initial contour would connect the existing permit area to the proposed Mountaintop Removal (MTR) area designated as Area 4. Boxcut No. 1 would be placed in the low gap southeast of Valley Fill No. 1. This would provide access to the southern contour. Contouring would progress in an easterly direction to the boundary of the permit area. This spoil material would be placed in Valley Fill No. 1. The remaining area east Valley Fill No. 1 would be mined by cross ridge mining method in an easterly direction. Overburden would be used to backfill contour areas. Also during this phase mining would continue in a northwesterly direction to the boxcut area at the head of Valley Fill No. 2 located in Area No. 2. This material would be placed into Valley Fill No. 1.

Phase II would involve the construction of proposed Pond No. 2 as depicted on **Figure 7 of 8 titled “Pond No. 2”**. Upon certification of Pond No. 2, the applicant would commence with grubbing and filling activities within the footprint of Valley Fill No. 2. Mining operations would continue in areas adjacent to Valley Fill No. 1 and would extend in a westerly direction toward Area 2 with Box Cut No. 2 proposed to connect to the contour to Valley Fill No. 2. This connection would provide transportation and access to begin construction of Valley Fill No. 2. Upon completion of the box cut, contouring would progress in both directions in Area 2 until sufficient overburden is generated to construct the lower three benches of Valley Fill No. 2. This material would be hauled down to the approximate third level of Valley Fill No. 2 and transported via bulldozer to the toe area. At this point mining would begin in Area 3. Overburden generated from the upper horizon would be used to complete backfilling activities in Area 4. At this point the lower three benches of Valley Fill No. 1 would be completed. As mining would continue in a westerly direction reclamation activities would begin on the north and south contours within Area 4 and the lower toe of Valley Fill 1.

During Phase III the applicant proposes to clear the remaining portions of Valley Fill No. 2. MTR activities would continue with the placement of Box Cut No. 3 west of Valley Fill No. 1.

This work would facilitate contouring in a westerly direction toward Area 1. Overburden generated would be placed in Valley Fill No. 1. Contouring south of Area 3 would be accessed from either Box Cut No. 1 or Box Cut No. 3. Box Cut No. 4 would be placed south of Valley Fill No. 2 and would provide access to the south contour. Contouring would progress east and west of Box Cut No. 4. Overburden generated would be placed in Valley Fill No. 2 in Area 3 and would extend into Areas 1 and 2. All excess overburden would be placed in Valley Fill No. 2. The applicant would proceed with completion of the lower three benches of Valley Fill No. 2 and the remaining fill area would be considered hauldown fill for disturbed acreage calculations. Valley Fill No. 1 would be completed to the Coalburg level. The remaining portion of Valley Fill No. 1 would remain as hauldown configuration until the final level is determined.

Reclamation would be completed in Area 4. Box Cut Nos. 3 and 4 would be established as ancillary areas that would be used as a launching area for personnel and equipment servicing the western portion of the mine.

Phase IV would involve the completion of MTR activities in Area 1 using cross ridge method of mining. Overburden generated from Area 1 would be used to complete reclamation work within Area 3 and to complete the final configuration of Valley Fill 1. Excess overburden from Area 1 would also be used to complete reclamation work in Area 2. Remaining material would be placed in Valley Fill No. 2. Mining would continue in Area 1 south of Valley Fill No. 2 using cross ridge method of mining. Material generated would be placed on the bench in Area 1 and would be used to complete the final configuration of Valley Fill No. 2 to the Coalburg level.

During Phase V the applicant proposes to complete mining operations in Areas 1 and 2. Reclamation work would be completed for Valley Fill No. 2 in addition to the remainder of the mining area, as depicted on **Figure 8 of 8 titled "AOC Regrade Plan Map"**.

As part the evaluation of potential adverse environmental impacts associated with the proposed project, the applicant identified the presence of potentially toxic overburden material. In order to minimize the potential for adverse water quality impacts typically associated with these materials, the applicant proposes to selectively handle overburden materials to prevent the development of acidic drainage. Potentially toxic material would be placed within high landscape positions in areas removed from valley fills, streams, and other surface drainage features. Isolation of these materials through selective handling has been shown to substantially reduce or eliminate the formation acid drainage and other associated adverse water quality effects.

The applicant retained the services of R.E.I. Consultants, Inc. to perform water quality and macroinvertebrate studies. As part of these evaluations, water quality data from the two streams proposed to be adversely impacted by the construction of Valley Fill Nos. 1 and 2 were collected. These data revealed the water quality present in these streams was generally desirable, exhibited low levels of conductivity, acidity, alkalinity, TSS, TDS, sulfate, nitrate/nitrite, chloride, sodium, hardness, and most metals. All parameters measured at both sampling locations fell within

ranges recommended for freshwater organisms. The results of benthic macroinvertebrate studies conducted in the vicinity of Valley Fill Nos. 1 and 2 revealed the unnamed tributary to Loggy Branch (Valley Fill No. 1) exhibits high taxa richness dominated by pollution sensitive and facultative species, indicating an excellent biotic condition. While the unnamed tributary of the Left Fork of Elk Creek exhibited moderately high species richness consisting of pollution sensitive individuals and facultative species, indicating the presence of a good biotic condition.

Additional water quality and benthic macroinvertebrate studies were performed at two reference streams to evaluate the pre- and post-mining water quality data and associated effects. Based on data collected at these reference sites, the applicant believes the proposed valley fills and associated sediment ponds would result in increased levels of conductivity, TDS, sulfate, hardness, alkalinity, and metals downstream of the proposed project. The applicant has further suggested the adverse water quality effects predicted to occur as a result of the proposed project would not exceed the tolerance limits required by freshwater organisms. However, a decrease in taxa richness and shift from predominantly pollution sensitive and facultative species, to a community dominated by facultative pollution tolerant species would likely occur downstream of the proposed project. In addition, all habitat, substrate and benthic communities present within the within the footprint of the proposed fills would be eliminated entirely. Habitat within the proposed sediment ponds would transition from the current lentic habitat to a lotic habitat, typical of those associated with heavy sediment loads and impacted water quality. Upon restoration of the streams within the proposed footprint of Pond Nos. 1 and 2, it is anticipated the reconstructed streams would become capable of supporting a lentic aquatic community.

The applicant has prepared an analysis of practicable alternatives, which is summarized below. This analysis includes the evaluation of six alternatives, including the “No Action” alternative and five “Action” alternatives. Under the no action alternative the proposed work in waters of the U. S. and the proposed mining project would not be undertaken. Due to the extent and location of waters of the U. S., in addition to the terrain in the vicinity of the project site, areas of adequate size and slope, sufficient to accommodate the overburden generated, are not available. Therefore under the “No Action” scenario, the project would not proceed. Although the “No Action” alternative would represent the environmentally preferred alternative, it would not meet the project basic purpose of recovering bituminous coal.

The four “Action” alternatives considered include the following: Action Alternative No. 1 Underground Mining; Action Alternative No. 2 Contour mining; Action Alternative No. 3 Auger/Highwall mining, Action Alternative No. 4 (the applicant’s preferred alternative), and Action Alternative No. 5. Hauling fill material off-site.

Under Action Alternative 1, the applicant would recover coal reserves by means of underground mining. The project proposes to recover coal from the Stockton and Coalburg coal seams. According to the applicant the targeted coal reserves consists of a narrow, irregular, and twisted geometry segmented by areas in which the conventional 5 to 7-entry mining section would not be

capable of passing through, while maintaining the minimum required 100-foot cover between mine entries and the surface. As such these reserves are not appropriate for effective underground mining. Based on these factors the applicant believes Action Alternative No. 2 to be impracticable.

Under Action Alternative No. 2, the applicant would recover coal reserves through contour mining. Due to the excessively steep slopes currently present throughout the project area, it has been estimated by the applicant that as a result of performing mining activities under this method, approximately 77% of coal reserve areas could not be mined. It would be expected that the yield associated with this mining method would be reduced to 23%. In addition to the reduction of recoverable coal, contour mining of this site would likely render the remaining reserves unmineable.

Under Action Alternative No. 3, the applicant would recover coal reserves through auger/highwall mining. To perform this method of mining, it would be necessary to construct highwalls and benches typically associated with contour mining. Construction of such features would be needed in order to provide access in addition to a relatively flat surface of sufficient size to accommodate the auger machinery. This method of coal recovery is limited by the same constraints associated with contour mining, as described above.

Under Action Alternative No. 4 (the applicant's preferred alternative), the applicant would recover coal by means of mountaintop removal. The applicant has selected this alternative as the preferred alternative based on current technology, safety, economic, and logistic considerations, in addition to commitments to landowners. Further, in an effort to minimize the potential for future mining activities and associated land disturbance, the West Virginia Department of Environmental Protection (WVDEP), through the Surface Mining Control and Reclamation Act (SMCRA) review process, requires applicants to demonstrate that all practical steps have been undertaken to ensure that the proposed project would maximize recovery and utilization of the solid fuel resource being recovered.

Under Action Alternative No. 5, the applicant would conduct surface mining activities and would remove the overburden generated off-site. This removal operation would be accomplished by placing material in dump trucks and hauling material to a nearby area that could accommodate the approximately 15 million cubic yards of overburden generated. Although this alternative would result in the elimination of all valley fills, the applicant has estimated that assuming a typical dump truck capacity of ten cubic yards, this alternative would result in the need for approximately 1.5 million roundtrips during the life of the mine, with increased traffic effects, associated transportation related safety considerations, and increased costs. The applicant has further estimated that this proposed alternative would result in increased costs of approximately 4.5 million dollars associated with transportation costs alone.

To minimize overall adverse impacts associated with the construction of the two proposed valley fills, the applicant has selected fill disposal sites located within the upper most portions of the watersheds to the maximum extent practicable. The applicant proposes to construct in-stream sediment control structures to minimize adverse water quality impacts associated with total suspended solids (TSS) and turbidity. In addition, the applicant would implement a selective handling plan. This plan would involve the identification and segregation of potentially acid-producing materials. Potentially toxic or acid-producing overburden would be placed in high landscape positions removed from valley fills and areas of surface drainage. Consequently it is predicted that water discharge from valley fills would not result in releases of contaminants. As indicated above it is expected that construction and operation the proposed project would result several changes in water quality, including increase in levels of conductivity, TDS, sulfate, hardness, and alkalinity and relatively minor increases in metals. It has further been predicted these changes would not exceed tolerance limits required by freshwater organisms. Although benthic community changes would be expected to occur as a result of the proposed work, it is anticipated the overall health of the macroinvertebrate population would remain in good condition.

MITIGATION PLAN: To compensate for permanent and temporary direct and indirect adverse impacts to waters of the U. S. associated with the proposed project, the applicant proposes to restore approximately 1,308 linear feet of stream proposed to be adversely impacted as a result of sediment pond construction. The applicant also proposes to enhance two perennial reaches of Pine Creek, located adjacent to the permit area totaling approximately 5,341 linear feet. The applicant evaluated alternatives for additional on-site mitigation and determined no additional opportunities for on-site mitigation exist. The applicant further proposes to perform additional enhancement work on approximately 10,943 linear feet of Pine Creek and has requested the additional 10,943-linear foot reach of mitigation work be “banked as mitigation credits” for the applicant’s future use.

Proposed restoration work on-site would involve the removal and regrading of sediment Pond Nos. 1 and 2. As part of this work the applicant would re-establish original channel geometry and substrate to the maximum extent practicable in accordance with pre-mining stream surveys. Stream elements such as riffles, pools, and overall geometry would be based on original gradients and contours. The applicant would install additional habitat and stability features including, large boulders, woody debris, root wads, and bank stabilization elements. An approximately 60-foot wide riparian corridor, measured from the stream edge on each side of the reconstructed channel, would be established. All disturbed areas would be seeded with a temporary seed mix and would be planted with a variety of trees representative of those currently dominating the project site, in addition to two non-native willow species (*Salix cotteti*) and (*Salix purpurea*).

To compensate for permanent adverse impacts to waters of the U. S. that would not be compensated for through on-site restoration work, the applicant proposed to enhance approximately 5,341 linear feet of Pine Creek. A portion of the proposed enhancement work would occur on an approximately 1,500-linear foot previously channelized reach of Pine Creek. This reach of stream is located along a previously reclaimed mine site and is located adjacent to a

mine dump. The 1,500-linear foot reach of Pine Creek proposed to be enhanced consists of stable rock rip-rap-lined banks. The stream banks in this area are generally lacking in riparian vegetation area and are completely exposed to sunlight. Further, overhead power lines are located in a number of areas proposed to be incorporated in the restoration plan. The applicant proposed to establish a riparian buffer along stream reaches located below existing power lines using low-story trees and shrubs. A variety native species and one non-native species would be planted, including southern arrowwood (*Viburnum dentatum*), buttonbush (*Cephalanthus occidentalis*), flowering dogwood (*Cornus florida*), American hazelnut (*Corylus americana*), boxelder (*Acer negundo*), and European black alder (*Alnus glutinosa*). Areas of stream removed from overhead power lines would be planted with a variety of native shrubs and trees, including tulip poplar (*Liriodendron tulipifera*), eastern sycamore (*Platanus occidentalis*), silver maple (*Acer saccharinum*), red maple (*Acer rubrum*), black walnut (*Juglans nigra*), and red oak (*Quercus rubra*). Establishment of a riparian corridor consisting of a diverse mix of species would improve wildlife habitat and provide shading and associated thermal benefits for streams.

The remaining mitigation work would be performed on a 14,784-linear foot reach of Pine Creek. The applicant proposes to perform approximately 3,841 linear feet of this proposed enhancement work to off-set adverse impacts associated with the proposed project. The remaining approximately 10,943-linear foot reach of work would be performed by the applicant with the expectation that this work would be “banked as mitigation credits” for the applicant’s future use. The applicant proposes to remove garbage and debris from areas located in and along the stream, establish habitat enhancement features and structures, including riffle/pool areas, root wads, vegetated rip-rap and planted gabions, log cribbing, and boulders, in addition to other features, and plant the riparian corridor with a variety of native woody species. The applicant also proposes to upgrade several existing road crossings and is considering relocation of an existing access road located immediately adjacent to Pine Creek.

The applicant proposes to monitor mitigation work and submit monitoring reports documenting site conditions. The applicant further proposes to provide perpetual protection of all restored and enhanced stream reaches and associated riparian corridors through the establishment of a deed restriction.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant’s responsibility to obtain certification from the West Virginia Department of Environmental Protection.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places (NRHP) has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. Further, through the WVDEP Article III permit process, the applicant submitted a cultural resource assessment report to the West Virginia

Division of Culture and History for review and comment. In a letter dated November 2, 2001, the West Virginia Division of Culture and History concluded that no known historical, architectural, or archeological sites listed in or eligible for inclusion in the NRHP would be affected by the proposed project.

ENDANGERED/THREATENED SPECIES REVIEW: The U.S. Fish and Wildlife Service's latest published version of endangered and threatened species has been reviewed to determine if any endangered or threatened species may occur in the project area. The proposed project would be located in a county where the endangered Indiana bat (*Myotis sodalist*) is known to occur. The applicant retained the services of Environmental Solutions & Innovations, Inc. to conduct a bat mist net survey to determine presence or probable absence of the Indiana bat. A total of fifteen nets sites were surveyed from August 8, 2003 to August 14, 2003. No Indiana bats were captured during this survey. The findings of this survey were provided to the U.S. Fish and Wildlife Service for review and concurrence. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

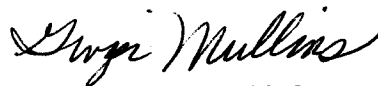
PUBLIC INTEREST REVIEW AND COMMENT: This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the District Engineer may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Ms. Jennifer Walker, Project Manager, South Regulatory Section, CELRH OR-FS; U. S. Army Corps of Engineers Huntington District; 502 Eighth Street; Huntington, West Virginia 25701-2070. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Jennifer Walker of the South Regulatory Section at 304-399-6956.



Ginger Mullins, Chief
Regulatory Branch

(W)

Table A
Loggy Branch
Surface Mine
Waters of the U. S. Impact Summary

Proposed Impact	Permanent Perennial		Permanent Intermittent		Permanent Ephemeral		Temporary Perennial		Temporary Intermittent	
	feet	acres	Feet	Acres	feet	acres	feet	acres	feet	acres
Valley Fill No. 1	0	0	0	0	1,171	0.076	0	0	0	0
Pond No. 1	0	0	0	0	0	0	0	0	138	0.002
Valley Fill No. 2	0	0	477	0.044	2,385	0.218	0	0	0	0
Pond No. 2	0	0	0	0	0	0	0	0	914**	0.007
Total		0	477	0.044	3,556	0.294	0	0	1,052	0.009

Notes

- * Approximately 49 linear feet of proposed work would involve secondary impacts
- ** Approximately 356 linear feet of proposed work would involve secondary impacts

Table B
Loggy Branch
Surface Mine
Affected Drainage Areas

Disposal Site	Drainage Area Fill Toe (acres)
Valley Fill 1	45.19
Valley Fill 2	103.18

Table C
Loggy Branch
South Surface Mine
Total Fill Volume Valley Fill Sites

Disposal Site	Total Fill Volume Cubic Yards
Valley Fill 1	1,891,544
Valley Fill 2	12,917,801
Total	14,809,345

Table D
Loggy Branch
Surface Mine
Acreage Valley Fill Disposal Sites

Disposal Site	Fill Surface Acreage
Valley Fill 1	17.28
Valley Fill 2	57.83
Total	75.11

Table E
Loggy Branch
Surface Mine
Acreage Sediment Control Ponds

Sediment Control Ponds	Surface Acreage
Pond No. 1	1.25
Pond No. 2	4.26
Total	5.51

Table F
Loggy Branch
Surface Mine
Mining and Reclamation Schedule

PHASE	MINING			RECLAMATION			UNRECLAIMED
	START	END	ACRES	START	END	ACRES	ACRES
I	0.00	12 mos.	71.41	N/A	N/A	0.00	71.41
II	12 mos.	24 mos.	120.29	12 mos.	24 mos.	31.46	120.29
III	24 mos.	36 mos.	150.60	24 mos.	36 mos.	30.19	150.60
IV	36 mos.	48 mos.	125.21	36 mos.	48 mos.	81.25	125.21
V	N/A	N/A	0.00	48 mos.	60 mos.	125.21	0.00

Total Permit Acreage = 268.11

Notes:

1. Areas indicated in the "Mining" and "Unreclaimed" columns are intended to represent a "snap-shot" of the entire mine as it would exist at the end of each respective phase. Some overlap of activities may occur from phase to phase. Therefore, the sum for each column would exceed the total mine permit acreage.
2. Ancillary areas are included in the "Mining" column.
3. The "Reclamation" column indicated the amount of reclamation that would be performed during each phase. Therefore, the sum total of the "Reclamation" column would equal the total mine permit acreage.

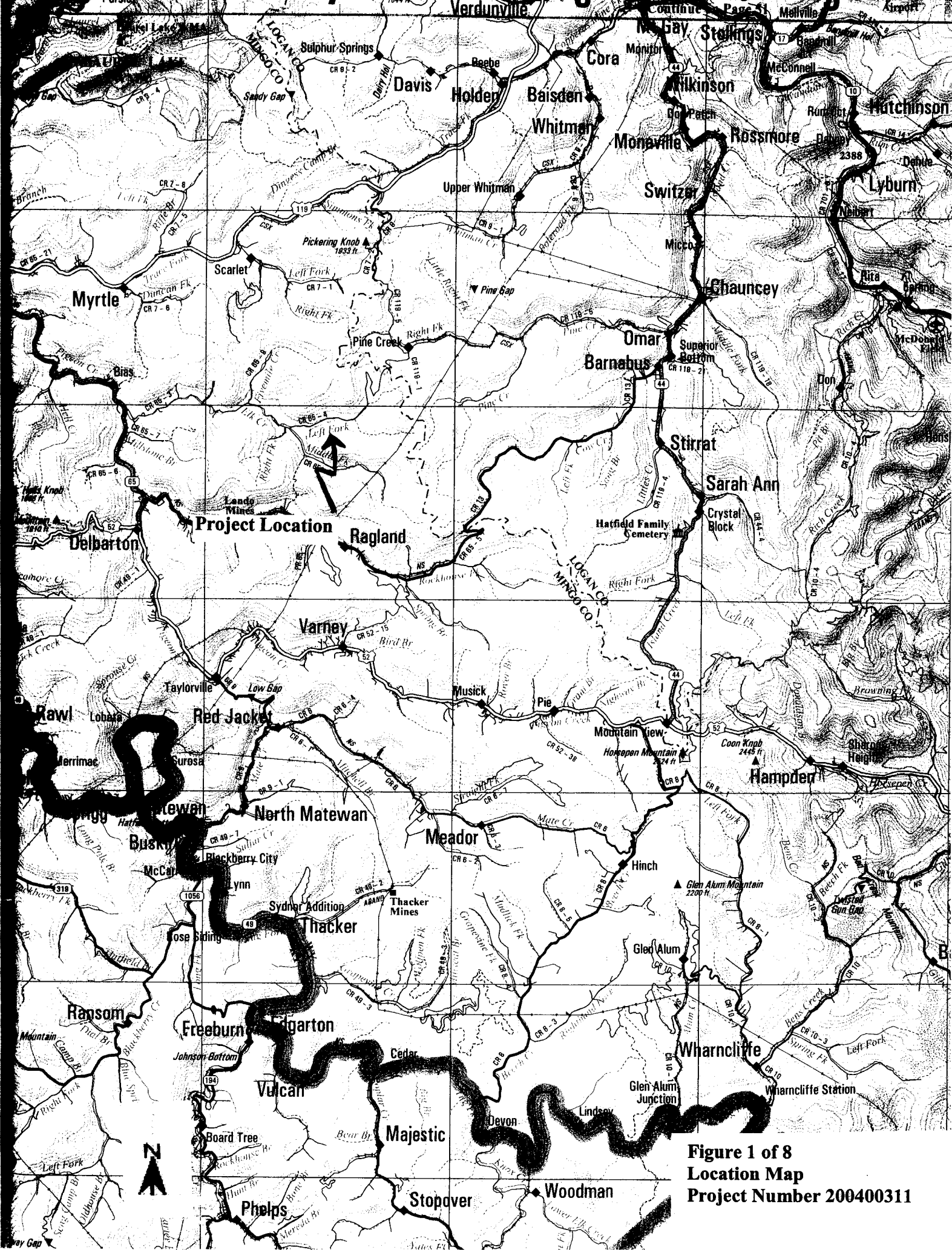


Figure 1 of 8
Location Map
Project Number 200400311

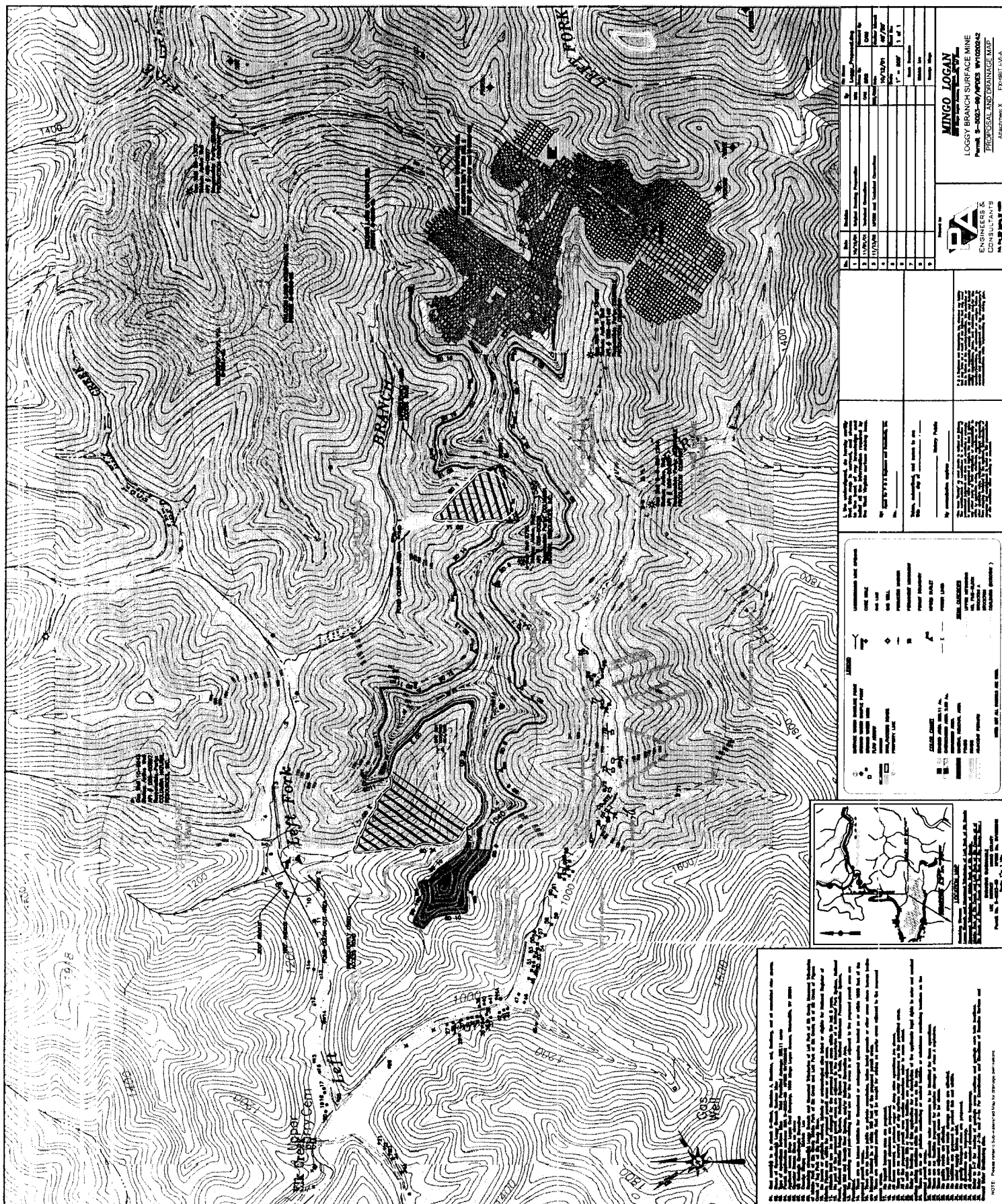
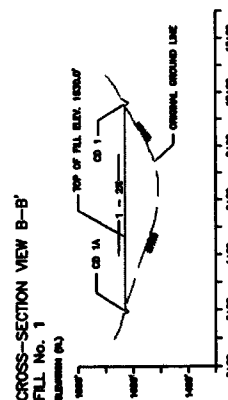


Figure 2 of 8
 Proposal and Drainage Map
 Project Number 200400311

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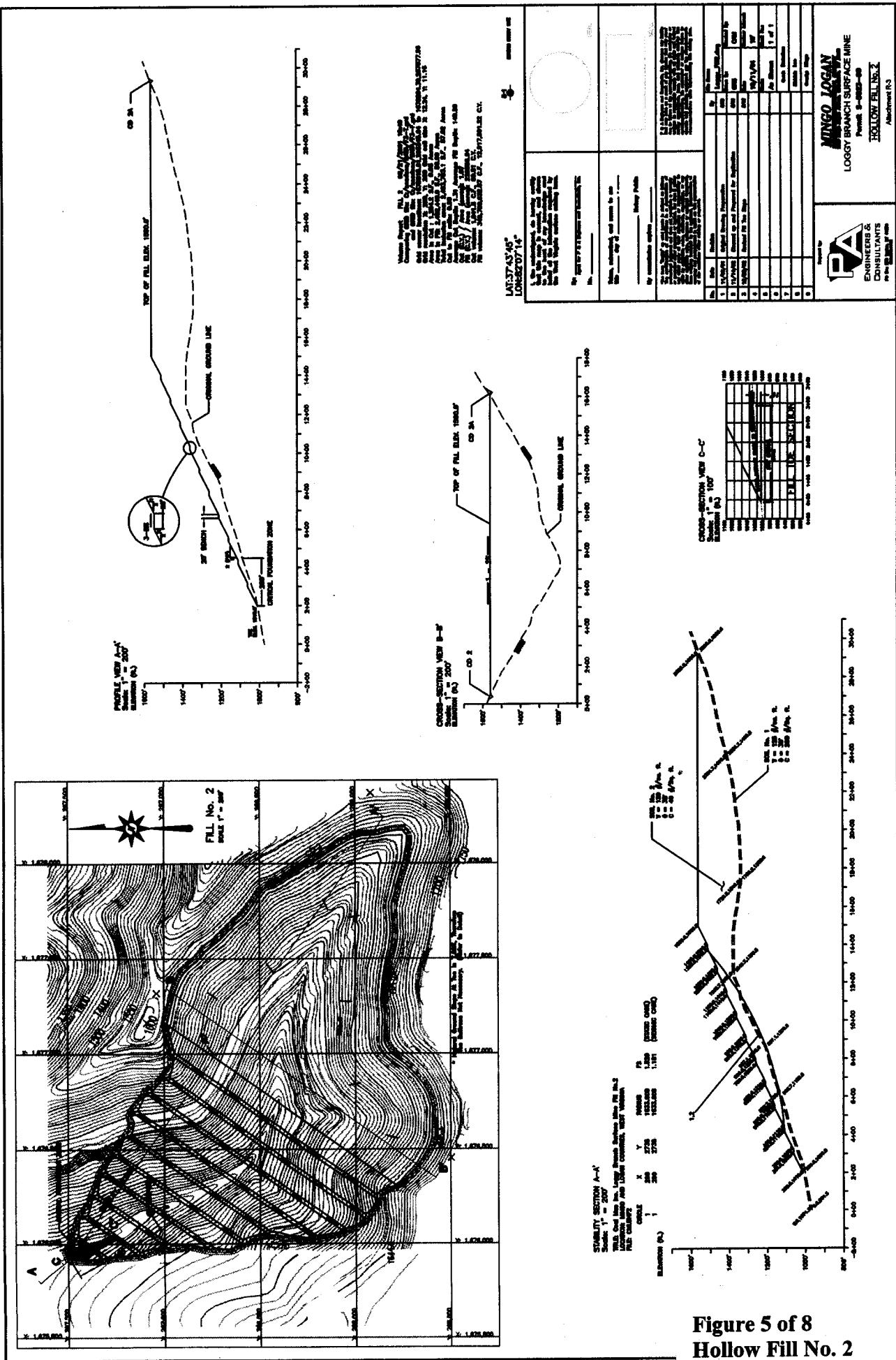
LAT:37°43'34"
 LONG:82°06'12"

[illegible]

PA
ENGINEERS & CONSULTANTS

MINGO LOGAN
LOGGY BRANCH SURFACE MINE
Permit 9-0023-00
HOLLOW FILL No. 1
Attachment D-2

Figure 4 of 8
Hollow Fill No. 1
Project Number 200400311



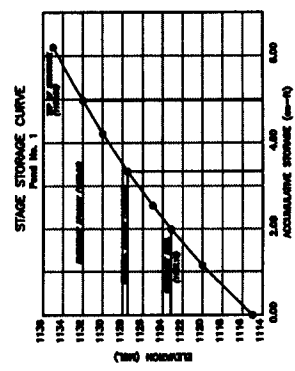
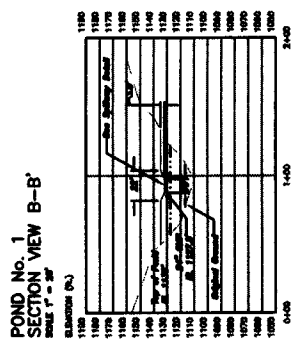
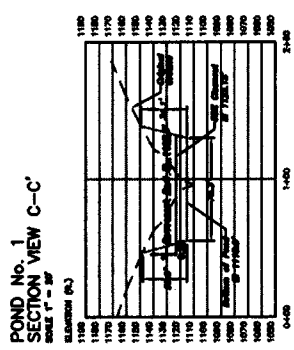
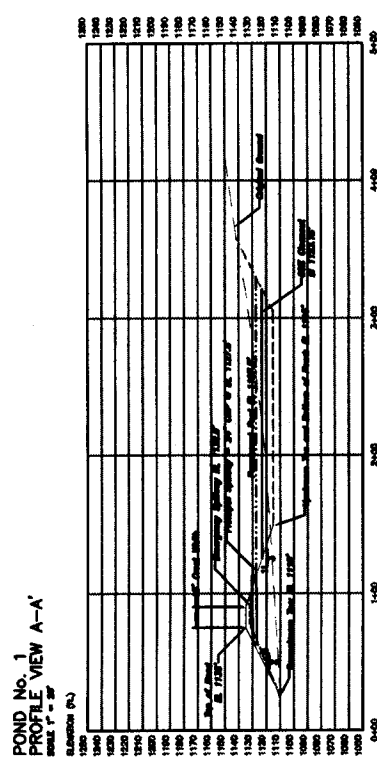
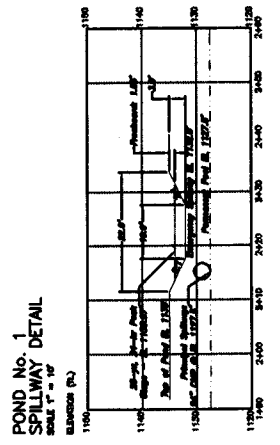
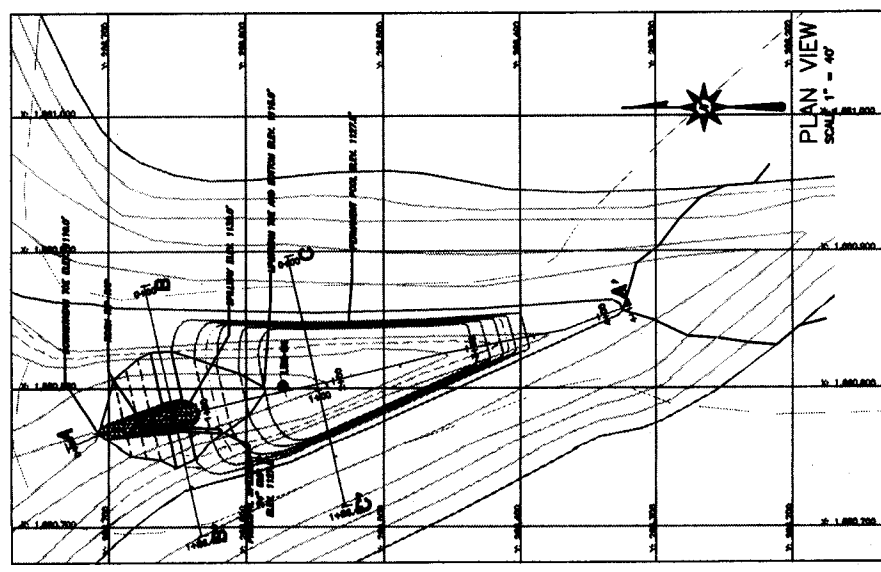


TABLE 1
STAGE STORAGE CURVE DATA

STAGE (ft)	ACCUMULATED STORAGE (cu-ft)
1050	0.00
1060	0.10
1070	0.20
1080	0.30
1090	0.40
1100	0.50
1110	0.60
1120	0.70
1130	0.80
1140	0.90
1150	1.00



PA ENGINEERS & CONSULTANTS

MINGO LOGAN LOGGY BRANCH SURFACE MINE

PROJECT 9-0003-00

FIGURE 6

ATTACHMENT F-1

DATE: 10/1/00

BY: [Signature]

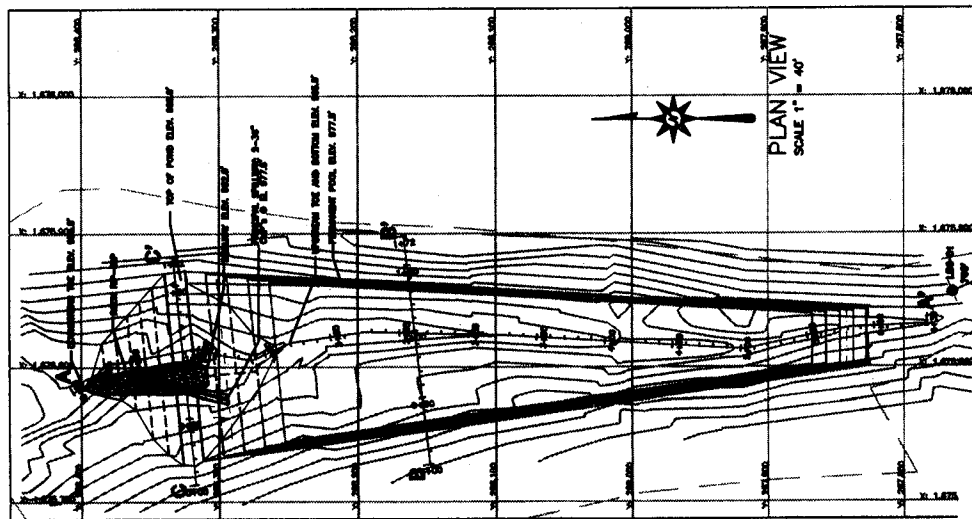
CHECKED: [Signature]

APPROVED: [Signature]

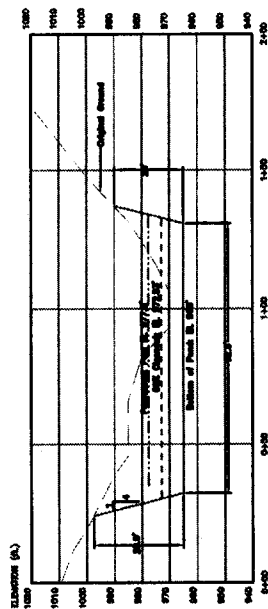
REVISIONS:

NO.	DATE	DESCRIPTION
1	10/1/00	Initial Design
2	10/1/00	Revised Design
3	10/1/00	Final Design

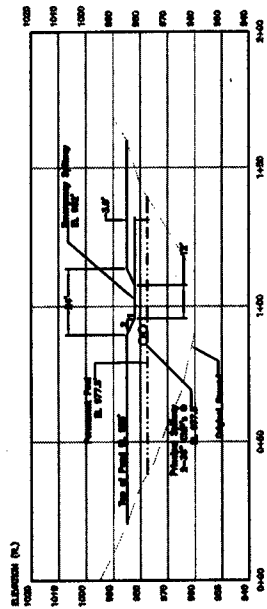
Figure 6 of 8
Pond No. 1
Project Number 200400311



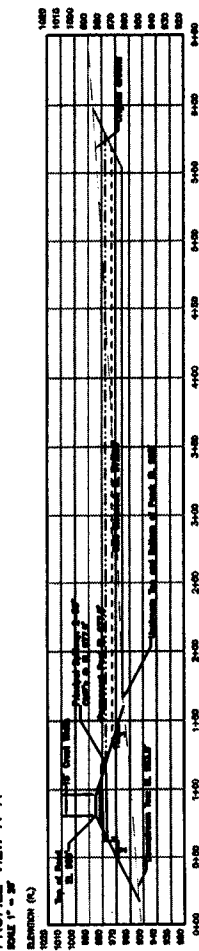
POND No. 2
SECTION VIEW B-B'
SCALE 1" = 30'



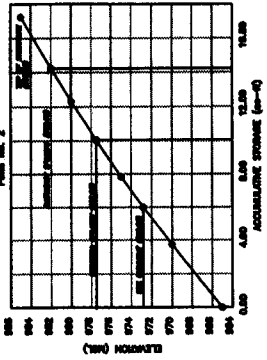
POND No. 2
SECTION VIEW C-C'
SCALE 1" = 30'



POND No. 2
PROFILE VIEW A-A'
SCALE 1" = 30'



STAGE STORAGE CURVE
Pond No. 2



STAGE STORAGE CURVE
Pond No. 2

STAGE (ft)	ACCUMULATED STORAGE (ac-ft)
940	0.00
945	0.00
950	0.00
955	0.00
960	0.00
965	0.00
970	0.00
975	0.00
980	0.00
985	0.00
990	0.00
995	0.00
1000	0.00

Notes:
1. Pond No. 2 is located on the south side of the road.
2. The pond is located on the south side of the road.
3. The pond is located on the south side of the road.

Legend:
1. Pond No. 2
2. Pond No. 2
3. Pond No. 2

1. Pond No. 2 is located on the south side of the road.
2. The pond is located on the south side of the road.
3. The pond is located on the south side of the road.

1. Pond No. 2 is located on the south side of the road.
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1. Pond No. 2 is located on the south side of the road.
2. The pond is located on the south side of the road.
3. The pond is located on the south side of the road.

Item	Description	Quantity	Unit	Price	Total
1	Excavation	1000	cuyd	1.00	1000.00
2	Gravel	1000	cuyd	1.00	1000.00
3	Gravel	1000	cuyd	1.00	1000.00
4	Gravel	1000	cuyd	1.00	1000.00
5	Gravel	1000	cuyd	1.00	1000.00
6	Gravel	1000	cuyd	1.00	1000.00
7	Gravel	1000	cuyd	1.00	1000.00
8	Gravel	1000	cuyd	1.00	1000.00
9	Gravel	1000	cuyd	1.00	1000.00
10	Gravel	1000	cuyd	1.00	1000.00

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INC.

MINGO LOGAN
LOGGY BRANCH SURFACE MINE
Pond No. 2
Pond No. 2
Pond No. 2

Figure 7 of 8
Pond No. 2
Project Number 200400311

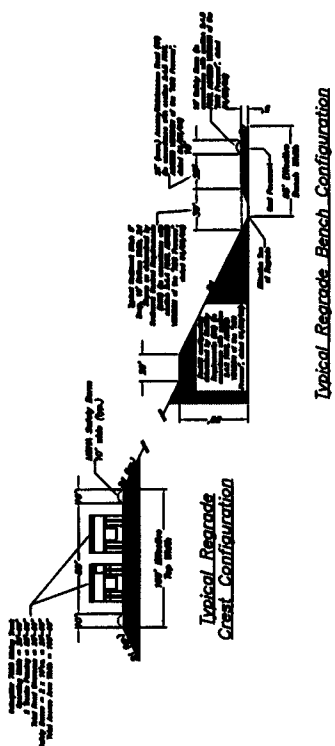


Figure 8 of 8
AOC Regrade Plan Map
Project Number 200400311